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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTIAN HOLINKA,

Plaintiff,

v.

BAXTER HEALTHCARE
CORPORATION, FISHER SCIENTIFIC
INTERNATIONAL, INC., VWR
INTERNATIONAL, INC., and UNIVAR
USA, INC.,

Defendants.

ECF CASE

Civil Action No. 07-8019 (SHS)

**SUPPLEMENTAL DECLARATION
OF TIMOTHY J. FRASER**

TIMOTHY J. FRASER, being of full age, declares as follows:

1. I am an attorney licensed to practice in the State of New York and am admitted to practice in the Southern District of New York. I am an associate with Drinker Biddle & Reath, LLP, attorneys for Baxter Healthcare Corporation (alleged to be a successor in interest to American Hospital Supply Corp. and American Scientific Products) ("Baxter") in this action. I make this Declaration based on my personal knowledge, in support of Baxter's removal of *Christian F. Holinka v. A.W. Chesterton Company, et al.*, Supreme Court of the State of New York, County of New York, Index

No. 114120-06 (the "State Court Action"), to this Court. I would and could competently testify to the matters stated in this Declaration if called as a witness.

2. Baxter was served with the Verified Complaint on or about October 17, 2006.

3. At the time of the filing of the State Court Action, Defendant Fisher Scientific, Inc. ("Fisher") was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in New Hampshire. Fisher is now a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Massachusetts. Fisher was served with the Verified Complaint on or about October 19, 2006.

4. VWR International, Inc. was served with the Verified Complaint on or about October 13, 2006.

5. Univar USA, Inc. was served with the Verified Complaint on or about October 11, 2006.

6. On September 12, 2007, promptly after filing the Notice of Removal, Baxter filed the Notice of Filing of Notice of Removal with the Supreme Court of the State of New York, County of New York and served that Notice on Plaintiff as required under 28 U.S.C. § 1446(d).

The foregoing statements made by me are true. I am aware that if any of these statements are willfully false, I may be subject to punishment.

/s/ Timothy J. Fraser

Timothy J. Fraser

Dated: September 19, 2007